

### **REMARKS**

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 26-33, 35-42, 44-47, 50, and 52-55 are pending in this application. Claims 26-33, 35-42, 44-47, 50, and 52-55 have been rejected. In this response, claims 26, 35, and 52 have been amended. Claims 32-33 and 44-47 have been cancelled. No new matter has been added. Reconsideration and withdrawal of the rejections set forth in the Office Action dated October 21, 2008, are respectfully requested in view of the remarks below.

### **Interview Summary Statement**

A telephonic interview was conducted between Examiner Quang N. Nguyen, and applicant's representative, Yenyun Fu. The undersigned representative wishes to thank Examiner Nguyen for the telephonic interview conducted on November 6, 2008 under final.

During the interview, the Final Office action and Reference Sato (U.S. Patent No. 5,949,854) were discussed. Applicant herein submits the amendments based on the discussion with the Examiner. No particular agreement was reached during this interview.

### **35 U.S.C. § 103 Rejections**

#### **Claims 26-33, 35-42, 44-47, 50 and 52-55**

The Examiner has rejected claims 26-33, 35-42, 44-47, 50 and 52-55 under 35 U.S.C. §103(a) as being allegedly unpatentable over Ksiazek (US 6,597,765) in view of Albal, et al. (US 2003/0147518), and further in view of Sato (US 5,949,854). Applicant respectfully disagrees. Claims 32-33 have been cancelled.

*The cited references do not show each and every element as recited in the independent claims*

Applicant respectfully submits that when viewed as a whole or individually, the cited references do not show the subject matter recited in the pending claims.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Applicant's independent claims 26, 35, and 52 include claimed subject matter neither taught nor suggested by Ksiazek, Albal, and Sato when viewed individually or in combination. Therefore, applicant's independent claims are patentable over the references.

1. The references alone or in combination do not disclose that the selecting the voice character comprises the caller selecting the background music;

2. The references alone or in combination do not disclose that the selecting the voice character comprises controlling the verbosity of prompts;

Ksiazek discusses a system and method for multiple language access in a telephone network (Ksiazek, Title). The system of Ksiazek includes a programmed operator services position system for assigning a language to the telephonic call (Ksiazek, Abstract). Applicant submits that the Ksiazek does not disclose, suggest, teach, and/or motivate that the selecting the voice character comprises the caller selecting the background music. Ksiazek also does not disclose, suggest, teach, and/or motivate that the selecting the voice character comprises controlling the verbosity of prompts.

Neither Albal nor Sato cures the deficiency.

Thus, applicant submits that the independent claim 26 is patentable over Ksiazek, Albal, Sato and the alleged combination of Ksiazek, Albal, and Sato. Based on similar reasoning and

arguments, applicant further submits that independent claims 35, 44, and 52 are also patentable over Ksiazek, Albal, and Sato and the alleged combination of Ksiazek, Albal, and Sato.

Thus, at least for the above stated reasons, the withdrawal of the rejection for the independent claims 26, 35, and 52 is respectfully requested.

#### Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim. Therefore, the remaining dependent claims are also patentable over the cited references. The withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested for dependent claims 27-31, 36-42, 50 and 53-55.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Please charge any deficiencies or credit any overpayments to our Deposit Account No. 50-2207, under Order No. 418268640US8 from which the undersigned is authorized to draw.

Dated:

12/4/2008

Respectfully submitted,

By 

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